

## **RESOLUTION 20-**

**A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN SUMTER COUNTY, FLORIDA; AUTHORIZING AND DIRECTING THE OFFICE OF THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE.**

### **CR-229 Right Of Way Expansion/Construction**

#### **PARCEL F02-042**

**WHEREAS**, Sumter County is a political subdivision of the State of Florida and is authorized to construct and maintain roads and highways, including drainage therefore, and is vested by law pursuant to Chapters 73, 74 and 127, Florida Statutes, to acquire fee simple interest in privately owned lands which are necessary for the public use; and

**WHEREAS**, Sumter County's constitutional home rule powers, the Florida Transportation Code (Chapters 334-339 and other provisions of the Florida Statutes as established in Section 334.01) and other applicable law including, but not necessarily limited to Chapter 125, Florida Statutes, invest authority over the county road system to Sumter County; and

**WHEREAS**, the Board of County Commissioners of Sumter County desires to accomplish and implement sound transportation planning and provide a sound transportation system for the benefit of its citizens, and

**WHEREAS**, the safe, efficient and uninterrupted transportation of people and property from place to place in Sumter County is a matter of great concern to the people of Sumter County and is necessary to ensure the smooth operation of commerce and other activities within Sumter County; and

**WHEREAS**, County Road No. CR-229 is an existing, paved road in Sumter County that traverses through a developing area; and

**WHEREAS**, the elimination of safety hazards in existing and future transportation facilities within Sumter County is of utmost concern and encourages the full utilization of such facilities by the traveling public; and

**WHEREAS**, it is necessary, beneficial and desirable that vehicular traffic within any transportation facility in developed or developing areas of Sumter County have an adequate

right-of-way to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

**WHEREAS**, the existing right-of-way of County Road No. CR-229 is inadequate for proper utilization as required by future vehicular traffic volume and must be improved and/or expanded to relieve congestion and to safely accommodate vehicular traffic, and that additional land is needed for the construction, widening, and for other right-of-way purposes, including, but not necessarily limited to, curb and gutters, driveway and side street connections, drainage facilities and related drainage system improvements; and

**WHEREAS**, the property Sumter County intends to acquire by virtue of this Resolution will be used as right-of-way for widening the current roadway and improving drainage facilities on County Road No CR-229, which will be used by the public in general; and

**WHEREAS**, Sumter County has heretofore identified the project and caused the scope of the project to be known as “CR-229 Right of Way Expansion/Construction – Sumter County” (the “Project”); and

**WHEREAS**, Sumter County has caused the area of construction of the Project to be identified, and has caused signed and sealed legal descriptions and sketches for the roads and property hereinabove described to be prepared, based upon and incorporating existing location data; and

**WHEREAS**, the legal descriptions and sketches of the properties necessary for the construction of the Project are attached hereto as Exhibit “A” and incorporated herein, *in haec verba*); and

**WHEREAS**, the Sumter County Board of County Commissioners desires to utilize the provisions of Florida law to the fullest extent possible in order to accomplish the public purpose of acquiring necessary parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of Sumter County; and

**WHEREAS**, Sumter County has determined that it is necessary to acquire or utilize the portions of property adjacent to or within the planned corridor of the Project; and

**WHEREAS**, Sumter County has attempted to negotiate with the owners of the subject property in good faith, but the owners of said land have been or may be unwilling or unable to sell the real property required by Sumter County for the above-described Project; and

**WHEREAS**, Sumter County has determined that taking or utilizing those portions of the subject property identified in Exhibit “A” are necessary for the construction of the improvements contemplated by the Project; and

**WHEREAS**, the construction of the Project will be impeded unless the properties identified herein are acquired by Sumter County; and

**WHEREAS**, the Board of County Commissioners of Sumter County has determined that the actions taken herein are consistent with the goals, policies and objectives of Sumter County, Florida; and

**WHEREAS**, the Board of County Commissioners of Sumter County has determined that utilizing the condemnation proceedings authorized by Chapters 73, 74 and 127, Florida Statutes, are necessary and in the best interests of the health, safety and welfare of the citizens of Sumter County, as well as those individuals travelling upon the roadways of Sumter County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** That each of the above **WHEREAS** clauses are adopted as the findings of the Sumter County Board of County Commissioners, and are hereby incorporated into this Resolution, *in haec verba*.

**Section 2.** That the Sumter County Public Works Department and the County Administrator are hereby authorized to employ the services of the County Attorney to commence and to prosecute eminent domain proceedings to acquire the necessary interests in the subject properties, which are more particularly described in Exhibit “A”, attached hereto and incorporated herein, *in haec verba*.

**Section 3.** That it is necessary, serves a County and public purpose, and is in the best interests of the citizens of Sumter County and the traveling public in general, to expand, widen and pave the roads and improve the appurtenant drainage facilities on or relating to County Road 229, in order to enhance public transportation within Sumter County, to alleviate traffic congestion and to increase the safety of travel along said road.

**Section 4.** That having considered the safety of the public, cost of acquiring the right-of-way, alignment, long term planning, and environmental factors in acquiring and utilizing the properties, the Sumter County Board of County Commissioners hereby finds and determines that the acquisition of the following interests are necessary as to the real property described in the following schedule for the completion of the Project:

<u><b>Schedule No.</b></u>	<u><b>Parcel No.</b></u>	<u><b>Interests to be Acquired</b></u>
<b>1.</b>	<b>F02-042</b>	<b>Fee Simple Interest</b>

**Section 5.** The County Attorney's Office is hereby authorized and directed to institute a suit or suits in the name of Sumter County and fully exercise Sumter County's power of eminent domain for the purpose of acquiring the parcels described in the above schedule and attached exhibit to the extent of the estate or interest set forth as a part of each parcel's description, and is further authorized and directed to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. The County Attorney is authorized and directed to utilize and assert any and all constitutional and statutory authority of Sumter County and the Board of County Commissioners of Sumter County relative to the acquisition of the subject parcels including, but not necessarily limited to, the provisions of Chapters 73, 74, 127 and 332, Florida Statutes, as well as the provisions of the Florida Transportation Code referred to in the recitals to this Resolution.

**Section 6.** This Resolution shall become effective immediately upon adoption.

**ADOPTED** by the Board of County Commissioners of Sumter County, Florida, during a duly noticed public meeting, in Bushnell, Sumter County, Florida, this \_\_\_\_ day of September, 2021.

ATTEST: GLORIA R. HAYWARD  
CLERK OF THE CIRCUIT COURT

SUMTER COUNTY BOARD OF  
COUNTY COMMISSIONERS

\_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRMAN

APPROVED AS TO FORM FOR THE  
RELIANCE OF SUMTER COUNTY ONLY.

COUNTY ATTORNEY

\_\_\_\_\_  
JENNIFER C. REY, ESQ.